



DACD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **LIANG, Zicai, et al.**

Group Art Unit: **1645**

Serial No.: **10/517,324**

Examiner: **Not assigned**

Filed: **December 20, 2004**

For: **RANDOMIZED DNA LIBRARIES AND DOUBLE-STRANDED RNA LIBRARIES, USE AND METHOD OF PRODUCTION THEREOF**

RENEWED PETITION UNDER 37 C.F.R. 1.181

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Date: July 23, 2007

Sir:

In response to the Decision on Petition mailed May 23, 2007 in the above application, applicants request reconsideration of the dismissal of applicants' petition under 37 CFR 1.181 and request withdrawal of the holding of abandonment of the application. Throughout prosecution, applicants have consistently made bona fide and timely efforts to conform with both Notifications to Comply With Requirements, issued by the USPTO on July 26, 2005 and April 12, 2006.

The Special Examiner states at page 2, paragraph 5, that "[o]n 06 July 2006, the Scientific and Technical Information Center (STIC) Biotechnology Branch issued an error report indicating that the sequence listing does not conform to the requirement." The STIC report is an internal document and no copy of the error report was ever provided applicants, nor does it appear in PAIR as of July 20, 2007. Moreover, it is unclear from the Decision whether or not the error report, relied on by the Special Examiner as a basis for the adverse outcome, related to the sequence listing applicants filed on May 12, 2006, the sequence listing filed on June 30, 2006, or both. Given the proximity in time of the July 6, 2006 error report to the June 30, 2006, there is a distinct possibility that the latter-filed listing was never actually reviewed. In any event, applicants have no way of determining whether their June 30, 2006 group sequence listing conformed to

requirements, particularly inasmuch as they have never been advised of this by the USPTO. Nor have applicants ever received general or specific notification that their May 12, 2006 group sequence listing failed to conform to regulations, prior to the Office's holding of abandonment.

In any event, applicants respectfully request the Special Examiner to reconsider the Decision after reviewing whether or not the June 30, 2006 group sequence listing submitted by applicants was reviewed by STIC for meeting the requirements of 37 CFR 1.182 (b)-(f). If it does meet the requirements, this provides probative evidence of applicants' continued bona fide intent in meeting the regulatory requirements, as well as possibly confirming that the Office's holding of abandonment was in error. Moreover, applicants respectfully submit that imparting this information, particularly any defects reported by STIC in its review of either or both of the May 12th and June 30th group sequence listings, will assist Applicants in their efforts to revive the application, should it be finally held abandoned, inasmuch as they would seek to provide a conforming group sequence listing with any additional petition they may file.

Applicants have continually sought in good faith to be responsive to the requests by the Office in resolving a complex matter. They were never advised by the Office of any defects in the last two group sequence listings filed, prior to the Office's holding of abandonment. Accordingly, in basic fairness to the applicants, given the Office's failure to provide timely notice of defects in the last two submitted group sequence listings, granting of this petition seeking withdrawal of the holding of abandonment is respectfully requested.

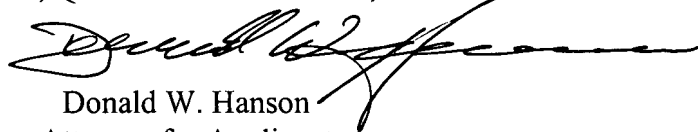
If there are questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

Serial No. 10/517,324
Attorney Docket No. 040679
Page 3

In the event that any additional fees are due with respect to this paper, please charge our
Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP



Donald W. Hanson
Attorney for Applicant
Reg. No. 27,133

Atty. Docket No. **040679**
Suite 400
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930
DWH/nk



23850

PATENT TRADEMARK OFFICE